

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:08-cr-00064-JCM-EJY

Plaintiff,

v.

STEVEN GRIMM,

ORDER

Defendant.

Pending before the Court is the Government's Motion for Leave to File Sealed Exhibit. ECF No. 881. Through the Motion, the Government seeks to seal medical records that are private and confidential. *Id.*

Years ago, the Ninth Circuit established a strong presumption of public access to judicial records. *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A party seeking to file documents under seal bears the burden of overcoming that presumption. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana*, 447 F.3d at 1178). To overcome the presumption when a dispositive motion is at issue, the moving party must demonstrate a compelling reason that supports maintaining the secret nature of the documents. *Kamakana*, 447 F.3d at 1180. The compelling reason must outweigh the public's interest in having access to the judicial records and in understanding the judicial process. *Id.* at 1178-79. Medical privacy has qualified as a "compelling reason," for sealing records. *San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011 WL 89931, at n.1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL 4715793, at *1-2 (D. HI. Nov. 15, 2010).

Here, the government establishes a compelling reason to seal Exhibit A containing medical records. There is no reason for these records to be accessible to the public at large.

IT IS FURTHER ORDERED that the government's Exhibit A (ECF No. 882) shall be and remain sealed.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE